HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL No. 504 OF 2006

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Between:

Nomula Srinivasa Rao

……Appellant/Petitioner

And

The Commissioner of Endowments,

Boggulakunta, Tilak Road, Hyderabad

and three others

……Respondents/Respondents

:: JUDGMENT ::

Counsel for the Appellant : Sri Ch. Janardhan Reddy

Counsel for Respondent Nos.1 to 3 : Government Pleader for

Endowments

Counsel for Respondent No.4 : None

Dated: 28-04-2006

Per G.S. SINGHVI, CJ

This appeal is directed against implied refusal of the learned Single Judge to pass an interim order in W.P.M.P No.10871 of 2006 filed by the appellant in Writ Petition No.8525 of 2006.

A perusal of the record shows that the appellant has filed writ petition questioning the alleged discrimination being meted out to him in the matter of constitution of Trust Board for Sri Ramalingeswara Swamy Temple, Sithaphalmandi, Secunderabad.

We have heard learned counsel for the appellant. In our opinion, the learned Single Judge did not commit any error by refusing to entertain the appellant's prayer for interim relief. It is well settled that an order of interim injunction can be passed by the Court only if it feels satisfied that the petitioner/applicant has a strong prima facie case, that the balance of convenience is in favour of the petitioner/applicant and that irreparable injury will be suffered by the petitioner/applicant by non-grant of injunction/ interim relief.

The issue of notice in the writ petition filed by the appellant can at best be treated as indicative of existence of an arguable case in his favour, but remaining two elements are certainly against the grant of stay in the matter of constitution of the Trust Board. If the writ petition filed by the appellant is allowed, the Court may nullify the constitution of the Board and issue consequential direction. That would be sufficient to do justice to him. However, if the interim order is passed restraining the official respondents from constituting the Trust Board and, ultimately, the writ petition is dismissed, then respondent No.3 and other persons would have, by then, suffered incalculable harm, which cannot be compensated in terms of money.

With the above observations, the appeal is dismissed.

As a sequel to the dismissal of the appeal, WAMP (SR) No.45792 of 2006 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD,J

28-04-2006

ks / svs